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SUBJECT: DOCUMENTARY VIDEO: AMERICAN EXPERIENCE: A CLASS  
APART

¶1. Last week President Obama nominated the first ever Hispanic American to the Supreme Court - Judge Sonia Sotomayor. The path leading to Judge Sotomayor's nomination was made possible, in part, because of a landmark Supreme Court ruling made in 1954. In that year, the same year in which Sotomayor was born, a band of underdog Mexican-American lawyers took their case, *Hernandez v. Texas*, all the way to the Supreme Court to challenge Jim Crow-style discrimination against the Hispanic American community. The PBS documentary *THE AMERICAN EXPERIENCE: A CLASS APART* provides posts with an opportunity to put Sotomayor's remarkable life and nomination in historical context by recounting the story of those courageous Mexican-American lawyers who, just 55 years ago, risked everything to tear down the social walls that had put the Hispanic American community in "a class apart."

¶2. *AMERICAN EXPERIENCE: A CLASS APART*, 60 minutes, produced 2009 by WGBH Boston.

Although the Treaty of Guadalupe Hidalgo ended the Mexican American war in 1848 and conferred American citizenship to the native Hispanic population of Texas, New Mexico and parts of California, for more than 100 years it was not borne out in reality. Mexican-Americans were treated as a separate and invisible class. More often than not they were openly barred from restaurants or schools.

By the end of World War II there was beginning to be a movement in the Mexican American community to push for their rights. Although it was very unusual for Hispanics to attend professional law school, those that did get the opportunity began to champion the cause of Mexican American civil rights. *A CLASS APART* tells the story of a team of Texas Mexican American lawyers demanding that Mexican Americans who stood trial had a right to be judged by their peers.

In the tiny town of Edna, Texas, in 1951, field hand Pete Hernandez murdered his boss, tenant farmer Joe Espinosa after exchanging heated words.

In his law office in San Antonio, Texas, a well-known attorney named Gus Garca listened to the desperate pleas of Pedro Hernandez's mother, who traveled more than one hundred and fifty miles to ask him to defend her son. Garca quickly realized that there was more to this case than murder. The real concern was not Hernandez's guilt, but whether he could receive a fair trial with an all-White jury deciding his fate. Garca assembled a team of courageous attorneys who argued on behalf of Hernandez from his first trial at the Jackson County Courthouse in Texas all the way to Washington, DC. From this unremarkable small-town murder emerged a landmark civil rights case that would forever change the lives and legal standing of tens of millions of Americans.

It would be the first time a Mexican American appeared before the Supreme Court.

The Hernandez lawyers decided on a daring but risky legal strategy, arguing that Mexican Americans were "a class apart" and did not neatly fit into a legal structure that recognized only black and white Americans. As legal skirmishes unfolded, the lawyers emerged as brilliant, dedicated, humorous, and at

times, terribly flawed men.

"They took a gamble," says University of California-Berkeley professor of law Ian Haney-Lpez. "They knew, on the up side, that they could win national recognition for the equality of Mexican Americans, but they knew, on the down side, that if they lost, they would establish at a national level the proposition that Mexican Americans could be treated as second class citizens."

On January 11, 1954, Garca and Cadena faced the nine justices of the U.S. Supreme Court. Cadena opened the argument. "Can Mexican Americans speak English?" one justice asked. "Are they citizens?" asked another. The lack of knowledge stunned Gus Garca, who stood up and delivered the argument of his life. On May 3, 1954, the U.S. Supreme Court announced its ruling in the case of Hernandez v. Texas. Pedro Hernndez would receive a new trial ? and would be judged by a true jury of his peers. The court's legal reasoning: Mexican Americans, as a group, were protected under the 14th Amendment, in keeping with the theory that they were indeed "a class apart."

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